IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14449 of 2004

Between:

M.Srinivasulu, S/o Subbarayulu,
R/o d.No.17/370-A9-5 Neeruganti Street, Old Town
Ananthapur Post and District

..... PETITIONER

AND

1 The Superintendent of Post Offices, Postal Department, Central govt.
Ananthapur Division, Ananthapur Post and District
2 The Chief Post Master General AP Circle, Postan Department, Central Govt.
Hyderabad
3 The Director General of Postal, Postal Department,
Central Govt.Dak Bhavan, Sansad Marg, New Delhi

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one inthe nature of Writ of Mandamus to call for the records relating to impugned order No.B1/Relax/Rectt/MS dated 16-11-1995 passed by the 1st respondent and DGPT letter No.24-162/94-SPB-1 dated 19-2-1996 passed by the 3rd respondent and the order in MA No.735 of 2003 in OA SR No.3321/03 dated 13-04-2004 passed by the Central Administrative, Hyderabad the same above said three orders as illegal, arbitrary, violation of principles of natural justice and violation of Articles of 14,16, 21 and 311 of the Constitution of India and consequently direct the respondents herein to reconsider the case of the petitioner a fresh for appointment on compassionate grounds by considering all the grounds raised and pass such other order or further

orders deem fit and proper circumstances of the case.

Counsel for the Petitioner:MR.K.NAGESWARA REDDY

Counsel for the Respondent No.: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following:

ORDER:(PER THE HON'BLE SRI JUSTICE J.CHELAMESWAR)

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This writ petition is filed with the prayer as follows:

> "The High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus to call for the records relating to impugned order No.B1/Relax/Rectt/MS dated 16-11-1995 passed by the 1st respondent and DGPT letter No.24-162/94-SPB-1 dated 19-2-1996 passed by the 3rd respondent and the order in MA No.735 of 2003 in OA SR No.3321/03 dated 13-04-2004 passed by the Central Administrative, Hyderabad the same above said three orders as illegal, arbitrary, violation of principles of natural justice and violation of Articles of 14,16, 21 and 311 of the Constitution of India and consequently direct the respondents herein to reconsider the case of the petitioner a fresh for appointment on compassionate grounds by considering all the grounds raised and pass such other order or further orders deem fit and proper circumstances of the case."

The petitioner's father while working as an Assistant Post Master was retired voluntarily on medical invalidation w.e.f. 15.05.1989. According to the affidavit filed in support of the writ petition, he had to do so in view of a paralytic stroke suffered by him and subsequently he died. The petitioner was minor at the time of the death of his father. On attaining majority at about a year and half later to the death of his father, the petitioner made an application to the respondents on 19.06.1990 for compassionate appointment. It appears that he sent a number of reminders but did not receive any favourable response.

In the circumstances, the petitioner approached the Central Administrative Tribunal by way of an application O.A(SR).No.3321 of 2003. As there was a delay of about three and half years in preferring the application, the petitioner filed a Miscellaneous Application No.735 of 2003 to condone delay. The Tribunal, by the impugned order dated 13.04.2004 dismissed the said Miscellaneous Application. Hence, the writ petition.

The Tribunal gave very elaborate and cogent reasons for rejecting the Miscellaneous Application. We do not see any reason to interfere with the order passed by the Tribunal.

Accordingly, the writ petition is dismissed at the stage of admission. No costs.

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J.CHELAMESWAR, J

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GODA RAGHURAM, J

Dated 01st November, 2004.

YCR/MRK

To

1 The Superintendent of Post Offices, Postal Department, Central govt. Ananthapur Division, Ananthapur Post and District
2 The Chief Post Master General A.P Circle, Postan Department, Central

Govt. Hyderabad
3 The Director General of Postal, Postal Department, Central Govt.,

Dak Bhavan, Sansad Marg, New Delhi.

4. 2 C.D. copies.